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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,506	02/24/2004	Eduard K. de Jong	P-9177	3998
24209	7590	03/09/2006	EXAMINER	
GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			MAI, THIEN T	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,506	Applicant(s) DE JONG, EDUARD K.	
	Examiner Thien T. Mai	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement

1. Acknowledgement is hereby made of the amendment filed 12/23/2005.
2. Acknowledgement is hereby made of the Information Disclosure Statement filed 02/17/2006.
3. Acknowledgement is hereby made of the replacement drawings filed 12/23/2005.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim(s) 1-31 rejected under 35 U.S.C. 102(e) as being anticipated by Saltz (20050138354).

Regarding claims 1-3, 5-6, 9-11, 20, Saltz discloses a method for installing an application onto a smart card comprising:

Providing an application identifier (AID) 330 having at least one customization parameter (figs. 3A-3H, Specification par. 0064-0067) relating to resource attributes such as JavaCard management context available to the application (Fig. 5, Specification par. 0013,0072), cryptographic facilities (abstract,

Specification par. 0019, 0044), and level of service (Specification par. 0049); wherein the AID 330 comprises context ID, an AID byte indicator, and two pieces: first piece is a 5-byte RID (resource ID) and second piece (0-11 bytes) is a variable PIX (Proprietary ID extension); the second piece comprises the customization parameters manageable by companies; the two pieces together makes the application ID unique; wherein the AID is used to identify Java applets and packages; wherein the application has an AID interpreter included in the Java Card Runtime Environment (JCRE) 28 (Fig. 2) in order to interpret/decode the AID. Fig. 3E illustrates the AID representation.

- Instantiating the application onto the card (Specification par. 0047, 0064) by calling a method (Fig. 5, Specification par. 0039, 0072).

*"[0047] In the described embodiment, the card-side 202 is implemented as a Java Card.TM. platform 202 that provides a multiple-application environment. As FIG. 2 illustrates, a plurality of Java Card.TM. applications (or applets) A, B, C, D, E, F and G may reside on the Java Card.TM. platform 202 (or Java Card.TM.). These Java Card.TM. applications (or applets) are supported by a Java Card Runtime Environment.TM. (JCRE) 208. The Java Card Runtime Environment.TM. (JCRE) 208 includes Java Card.TM. framework, Application Programming Interface (API), and security 210. The Java Runtime Environment.TM. (JCRE) 208 operates on a Java.TM. virtual machine 212 that is supported by a card Operating System (OS) 214. **The Java Card.TM. applets A, B, C, D, E, F, G and H can be instantiated when loaded and***

stay alive when the power is switched off. As such, a card applet can behave in a similar way as a server and remain passive. In other words, after the card platform 202 is powered up, an applet can remain inactive until it's selected, at which time initialization may be done."

- Storing the AID 330 as a byte array (Fig. 3E) for the application (Specification par. 0066) onto the card that comprises an AID interpreter performing the AID storing (Fig. 2).
- Configuring the application in accordance with the AID: Specification par. 0040 describes "configurable firewall provides a firewall control block as a mechanism to implement and control access privileges between various components... "; Specification par. 0041 declares "... control block can be provided for each Java TM application (or applet) in a Java Card TM computing environment ... firewall boundaries can be selectively configured and defined for each individual applet"; Specification par. 0050 mentions "... the Java Card Runtime Environment.TM. (JCRE 208) can provide a firewall protection for the Java.TM. applets A, B, C, D, E, F and G. Moreover, the firewall protection provided by the Runtime Environment (JCRE 208) is configurable ... firewall boundaries that can be configured for various Java TM applets"; Specification par. 0062 states "(AID) [comprising configurable PIX and RID] can be used as a firewall control value"; Figs. 3A-8 shows configurable firewall variables for the applets.

Regarding claim 4, Saltz discloses configuring the application comprises accessing the stored AID and reading/extracting at least one customization parameter such as firewall security with AID interpreter. This is illustrated in Figs. 5-9, Specification par. 0047.

Regarding claim 7, Specification par. 0062 discloses that AID is "typically provided in the Java Card™ environments" meaning that the AID is stored onto the card before being read by control block seen in Figs. 3A-3H and processed as seen Fig. 5.

Regarding claim 8, Saltz discloses package-based Java applets and the smart card conforms to JavaCard API (Specification par. 0013-0014, 0047, 0072, Fig. 2).

Regarding claim 12, Saltz discloses an install facility including Java Card Runtime Environment (JCRE) 28 comprising Java Virtual Machine 212, Card Operating System 214 (OS), Java Card Framework, API, and security 210 (Fig. 2), said JCRE 28 is operable to load/accept and instantiate Java Card™ applications/applets onto the smart card (Fig. 2, Specification par. 047) and store the AID having at least one customization parameter for the application onto the card (Fig. 2, 3A-3H). See further discussions in claim 1.

Regarding claims 13-19, see discussion regarding claims above.

Regarding claim 21, Saltz discloses a computer program product Java Card Runtime Environment (Fig. 2) comprising instructions on a card medium, wherein said instructions when loaded into a card cause the card to install an application in form of packaged applets (Specification par. 0047) by providing an application identifier (AID)

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for the application; instantiating the application; storing the AID; and configuring the application (see discussion regarding claims above).

Regarding claims 22-31, see discussion regarding claims above.

Response to Arguments

6. Applicant's arguments filed 12/23/2005 have been fully considered but they are not persuasive.

7. Applicant states *"The rejection cited this paragraph 0047 as teaching 'instantiating the applications on the card.'*

"Therefore, the rejection takes the position that applications A to G read on the application recited in Claim 1." Applicant's arguments, quoted above, do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

8. Applicant's argument then continues with *"Moreover, Paragraph (0040) does not mention the applications of paragraph (0047), an AID or a customization parameter in the AID, but rather 'frameworks for a configurable firewall' are discussed. Paragraph (0050) discussed 'firewall protection provided by the Runtime of Environment (JCRE 208) is configurable.' Paragraph (0069) discussed 'a control block 370,' and stated 'control block 370*

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provides the flexibility to use various techniques for implementing configurable firewalls.'

The Examiner respectfully disagrees with the assertion that the paragraphs cited do not meet the claim limitation. As also cited in the above rejection, the paragraphs do teach the customization parameter in the firewall context is configurable for the application. The Examiner takes a broad interpretation of the claim limitation that does not provide details as to how the applets/applications are being configured in order to overcome the rejection.

Applicant did not provide arguments to claims 2-31 but rather using the same argument with respect to claim 1; therefore the Examiner respectfully maintains all grounds of rejections on the claims.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien T. Mai whose telephone number is 571-272-8283. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thien T Mai
Examiner
Art Unit 2876

TM



**THIEN M. LE
PRIMARY EXAMINER**